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Attorneys for Defendants
ATI Technologies, Inc. and
Advanced Micro Devices, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and
ADVANCED MICRO DEVICES, INC.,

Defendants.

Case No. C-06-07553 WHA

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND ADR DEADLINES;
~~[PROPOSED]~~ ORDER**

JURY TRIAL DEMANDED

Plaintiff Karol Juskiewicz ("Plaintiff") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On December 8, 2006, Plaintiff filed the complaint in this action ("Complaint"), which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and pendant state law claims. Plaintiff styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 23 other complaints have been filed in this and other judicial districts. All of these complaints also allege federal and/or state law antitrust claims against Nvidia and AMD and are styled as putative class actions.

3. On December 8, 2006, plaintiffs in some of the other actions pending in this district filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") to transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions related to the claims alleged in the Complaint ("JPML Motion"). The JPML Motion is currently pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

4. On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting consolidation and transfer of these actions to the Northern District of California, San Jose Division, or, in the alternative, in the Northern District of California, San Francisco Division. To date, every party responding to the JPML Motion has supported consolidation and transfer in either the Northern or Central Districts of California. No party has opposed consolidation and transfer.

5. Some of the plaintiffs in the potentially related antitrust actions and all Defendants have requested that the Panel hear oral argument on the JPML Motion. The parties expect that if the Panel does hear oral argument, the hearing will occur in March 2007. The parties agree that, at some point subsequent to that hearing, the JPML is likely to order transfer and consolidation of these actions.

6. In light of these facts, Plaintiff and Defendants stipulated in December 2006 to extend the time for Defendants to respond to the Complaint to 30 days after (1) the order resolving the JPML motion and (2) the filing and service of any subsequent consolidated complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or otherwise respond to the Complaint for good cause shown.

7. Given the likelihood of a March 2007 hearing date before the JPML, the dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines entered on December 8, 2006 ("December 8 Order") and the Clerk's Notice Scheduling Initial

Case Management Conference on Reassignment entered on January 23, 2007 (“January 23 Order”), including the deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule 3.5, will come to pass before the JPML acts on the pending motion.

8. Continuing the dates set forth in the December 8 Order and the January 23 Order would avoid the expenditure of unnecessary judicial resources until it is determined whether this action will remain pending in this Court. It would also ensure consistency in pretrial rulings and be convenient for the parties, including Plaintiff.

9. Accordingly, the parties hereby stipulate to and respectfully request that the Court order a continuance of the dates set forth in the December 8 Order and the January 23 Order. The affected dates include (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan (currently February 23, 2007); (2) file joint ADR documents (currently February 23, 2007); (3) complete initial disclosures and file the Case Management Statement and Rule 26(f) Report (currently March 8, 2007); and (4) the Initial Case Management Conference (currently March 15, 2007).

10. The parties request that the Court continue the above referenced schedule as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan – May 3, 2007; (2) file joint ADR documents – May 3, 2007; (3) complete initial disclosures and file the Case Management Statement and Rule 26(f) Report – May 17, 2007; and (4) the Initial Case Management Conference – May 24, 2007. Such a continuance will allow this matter to move forward promptly in the event that the JPML Motion is denied and further proceedings before this Court are necessary.

11. Except as described in Paragraph 6, the parties have sought no previous modification of the timing of any event or deadline set by the Court.

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12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: February 2, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel
Charles H. Samel (182019)

Attorneys for Defendants
ATI TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES, INC.

Dated: February 1, 2007
COOLEY GODWARD KRONISH LLP

By: /s/James Donato
James Donato (146140)

Attorneys for Defendant
NVIDIA CORPORATION

Dated: February 1, 2007
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP

By: /s/ Mario Alioto
Mario Alioto (56433)

Attorneys for Plaintiff
KAROL JUSKIEWICZ

FILER'S ATTESTATION:

Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

Dated: February 2, 2007

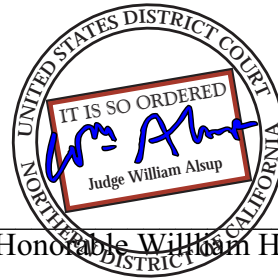
By: /s/ Charles H. Samel
Charles H. Samel

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, all dates set forth in the December 8, 2006 Order Setting Initial Case Management Conference and ADR Deadlines and the January 23, 2007 Clerk's Notice Scheduling Initial Case Management Conference on Reassignment are hereby continued as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan will be May 3, 2007; (2) the deadline to file joint ADR documents will be May 3, 2007; (3) the deadline to complete initial disclosures and file the Case Management Statement and Rule 26(f) Report will be May 17, 2007; and (4) the Initial Case Management Conference will be May 24, 2007. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: February 5, 2007



The Honorable William H. Alsup